

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:06cr118
	§	(Judge Schneider)
CHARLES VERNON HAYNES (4)	§	

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 21, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Tracey Batson.

On February 14, 2007, Defendant was sentenced by the Honorable Michael H. Schneider to five years probation for the offense of Conspiracy to Possess with Intent to Manufacture and Distribute Methamphetamine. On October 28, 2008, Defendant's probation was revoked and Defendant was sentenced to eight (8) months' imprisonment followed by a three (3) year term of supervised release. On June 10, 2009, Defendant completed his period of imprisonment and began service of his supervised term.

On March 10, 2010, the U.S. Pretrial Services Officer filed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall not commit another federal, state or local crime. The petition also alleged a violation of the following special conditions: (1) the defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation

officer; and (2) the defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision. The Government moved to dismiss the mandatory allegation and only proceeded on the violations of the special conditions.

The petition alleges that Defendant committed the following acts with regard to the special condition violations: (1) Defendant failed to attend substance abuse counseling at the Alterman Group, Plano, Texas, on October 20, November 12 and 24, 2010. Defendant failed to submit to drug testing at the Alterman Group, Plano, Texas, on January 13, 20, and February 1, 2010, as directed; and (2) On February 23, 2010, during an interview, Defendant admitted verbally to Detective Raymond Lewis, Sachse Police Department, Sachse, Texas, that he consumed alcohol on February 21 and 22, 2010.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the special condition violations. The Court recommends that Defendant's supervised release be modified.

RECOMMENDATION

The Court recommends that the District Judge modify Defendant's supervised release. Defendant's supervised release should be modified as follows: (1) Defendant shall reside in and participate in a residential reentry center or similar facility, in a correctional component for a period of 180 days to commence upon determination of the U.S. Probation Office; and (2) Defendant shall observe the rules of the facility.

After the Court announced the recommended modification, parties waived the fourteen-day period for objections.

SIGNED this 21st day of July, 2010.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE